

United States Postal Service

§ 255.1

Accounting Office Building, Washington, DC 20260, with a memorandum of explanation.

(d) *Public use of restrooms.* Restrooms off public corridors shall normally be kept open during regular hours of business for the benefit of the public. Where vandalism or loitering cannot be controlled, postmasters may lock restrooms, furnishing those agencies served by the restrooms, keys for employee use. This shall not be construed to permit access by nonpostal personnel to restrooms in restricted postal areas.

(e) *Letter drops.* At all except fourth-class post offices, provide a regulation letterbox for depositing mail in front of or next to the post office. Show collection time schedules on letterboxes. At fourth-class offices, if a letterbox is not supplied, provide a slot in the outer post office door. When messengers or star route carriers have access to lobbies, door slot deposits must lead to a locked box.

(f) *Hour signs.* Display hours of window service prominently at all first-, second-, and third-class post offices, classified stations and branches, and annexes. Use Sign 41, Hours decal set, available in supply centers.

(g) *Service of process on postal premises.* Postmasters or other installation heads shall permit service on postal premises of civil and criminal process affecting employees in personal matters, when such service of process will not interfere with postal operations. Process servers should be directed to the postmaster's or installation head's office, where the employee will be called in and service made. Section 265.10 of this chapter contains rules regarding compliance with subpoena duces tecum, court orders, and summonses where official business or official records are involved.

(h) *Public service areas—prohibited items.* Photographs of an incumbent or former President or Postmaster General are not to be displayed in post office lobbies or in common use public service areas such as elevator lobbies and corridors in facilities owned by or leased to the Postal Service. Further, such photographs are not to be

requisitioned or purchased by postal installations at Postal Service expense.

(39 U.S.C. 501)

[36 FR 4765, Mar. 12, 1971, as amended at 39 FR 38376, Oct. 31, 1974; 40 FR 8820, Mar. 3, 1975; 42 FR 33722, July 1, 1977; 44 FR 39854, July 6, 1979]

General Postal Administration

PART 255—ACCESS OF HANDICAPPED PERSONS TO POSTAL SERVICES, PROGRAMS, FACILITIES, AND EMPLOYMENT

Sec.

255.1 Discrimination against handicapped persons prohibited.

255.2 Special arrangements for postal services.

255.3 Access to postal facilities.

255.4 Other postal regulations; authority of postal officials and employees.

AUTHORITY: 39 U.S.C. 101, 401, 403, 1001, 1003, 3403, 3404; 29 U.S.C. 791, 794.

SOURCE: 50 FR 14102, Apr. 10, 1985, unless otherwise noted.

§255.1 Discrimination against handicapped persons prohibited.

(a) *Policy.* Postal Service policy is to comply fully with sections 501 and 504 of the Rehabilitation Act of 1973, and other applicable laws. Accordingly, no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity operated by the Postal Service, or in employment.

(b) *Definition.* For purposes of paragraph (a) of this section, the term *handicapped* applies to a person who has, has a record of, or is regarded as having, a physical or mental impairment which substantially limits one or more of such person's major life activities.

(c) *Customer Service Complaints—(1) How made.* Complaints by or on behalf of otherwise qualified handicapped customers who believe that they have been discriminated against in the provision of postal services solely by reason of their handicap may be made in accordance with Domestic Mail Manual 114.1. The customer should provide, or

be willing to provide upon request, sufficient information regarding the matter to permit a complete examination of all of the relevant circumstances concerning the complaint.

(2) *Exhaustion of Administrative Remedies.* See Domestic Mail Manual 114.14.

(3) *Resolution.* A local official receiving a complaint of unlawful discrimination against a handicapped person, such as a refusal to serve an otherwise qualified customer solely because of the customer's handicap, must handle it in accordance with existing regulations and procedures for resolution of customer complaints, including the time limits prescribed in or under § 255.1(c)(4). The steps taken by the official should include an initial review of the complaint to determine whether further investigation is necessary to resolve the complaint, or whether immediate action can be taken to remedy any illegal discrimination that may be occurring. Such corrective action as is determined to be necessary to resolve the complaint should be taken as soon as possible. The complainant should be notified promptly of the action taken; if the matter cannot be resolved quickly, appropriate interim reports, including an acknowledgment of receipt of the complaint, should be furnished to the complainant. Replies to written complaints must be in writing; replies to nonwritten complaints may be in writing or any other appropriate medium. If a complaint claims that discrimination has resulted from the lack of special arrangements for handicapped persons, the complaint should be handled in accordance with § 255.2(b) or § 255.3(b), as appropriate. Legal advice on whether a particular complaint seeks to end unlawful discrimination or to request special arrangements may be sought from the Regional Counsel.

(4) *Time Limits.* If a complaint cannot be resolved within fifteen (15) days the customer must be sent a written acknowledgment of the receipt of the complaint. If the complaint cannot be resolved within thirty (30) days of its receipt, the customer must be sent an interim report in writing, including a statement of when the matter is expected to be resolved. Whenever it appears that a complaint cannot be re-

solved within sixty (60) days of its receipt, a written report and explanation must be submitted to the appropriate Regional Office, and to the Consumer Advocate, U.S. Postal Service, Washington, DC 20260-6320. Local managers may prescribe shorter time limits for complaint responses within their area of responsibility by memorandum or other appropriate written directive.

(5) *Automatic Review.* If an associate office postmaster or management sectional center manager proposes to deny a request by a handicapped customer for a special arrangement or the alteration of a facility, the proposed decision shall be submitted to the next higher level of management (if the request is for a special arrangement) or to the appropriate Field Real Estate and Buildings Office (if the request is for the alteration of a facility). The customer shall be notified of the approved decision. No review under this provision limits the customer's right of appeal to the Consumer Advocate under Domestic Mail Manual 114.14.

(6) *Appeal.* See Domestic Mail Manual 114.14.

(d) *Postal Employment.* Discrimination against otherwise qualified handicapped postal employees or job applicants is prohibited, under section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791, and by implementing regulations promulgated by the Equal Employment Opportunity Commission and the Postal Service. Complaints of discrimination against handicapped applicants or employees may be made in accordance with the procedures prescribed in the Employee and Labor Relations Manual (ELM) concerning Equal Employment Opportunity, which apply to discrimination against handicapped persons.

§ 255.2 Special arrangements for postal services.

(a) *Policy.* The Postal Service offers all of its services to all of its customers without discrimination. Customers who would have difficulty using or be unable to use certain services may be eligible under postal regulations for special arrangements. Some of the special arrangements that the Postal Service has authorized are listed below.